FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No.1683/07

Sudam Sitaram Pawar and others
.vs.
The State Mah.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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Coram: C. L. PANGARKAR J.
Dated : 13th July 2007

1. Heard Shri S.D.Chopde, learned counsel for the applicants and Smt.wasnik, learned Addl.Public Prosecutor for the State.

2. This is an application under Section 438 of Code of Criminal Procedure.

3. One Madhuribai Chavhan lodged a report with the police on 10/4/2007 that on 9/4/2007 six persons whom include present applicants no.2 and 3 entered the house, caught hold of the hand of her daughter and

took her away. It is alleged that applicant no.1 said to the daughter of the complainant that he would marry her and saying so he dragged her out of the house and took her away on the motor cycle. On the next day she lodged report with the Police. The applicants, therefore, apprehend arrest.

3. The learned counsel for the applicants submitted that this is a totally false case and the girl had voluntarily gone with the accused persons and therefore there was no question of her being kidnapped. He submitted that when the girl had voluntarily left, that does not become an offence. It is not disputed that the girl is less than 18 years old. The question of complainant voluntarily leaving cannot be gone into at this stage. The fact is that in presence of her mother and without consent, the girl was taken out of the house by Sandeep, Nitin, Manik and Hajusing. Since there is a clear allegation that Sandip, Manik, Nitin and Hajusing had entered the house and had dragged the girl out of the house, it cannot be said that the applicants are totally innocent and are being falsely implicated in the mater. The learned Additional Public Prosecutor for the State submitted that even at present the girl is living with her parents and not with the accused persons.

4. Learned counsel for the applicants submitted that as far as present applicant nos.1 and 2 are concerned, there is no role attributed to them. After having gone through the F.I.R., one would find that these two applicants have not entered the house and had not taken part in actual alleged kidnapping. In view of this, applicants no.1 and 2 are certainly entitled to be released on anticipatory bail. The application of applicants no.3 and 4 stands rejected. Hence, the following order.

In the event of arrest, the applicant no.1 Sudam Pawar and applicant no.2 Renuka Pawar be released on their entering into personal recognizance bond of Rs.10,000/- each with one surety each in the like amount in crime No.42 of 2007 of Police Station Manora, Distt.Washim.

Judge.

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